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TELECOPIER TRANSMITTAL FORM

DATE: March 30, 2006
TO: Examiner Kambiz Zand
FIRM: USPTO, Group Art Unit 2132
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MESSAGE:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Christopher R. Vincent

Serial No.: 10/042,639

For: *PUBLIC KEY BASED AUTHENTICATION METHOD FOR TRANSACTION
DELEGATION IN SERVICE-BASED COMPUTING ENVIRONMENTS*

Enclosed are the following:

Pre-Appeal Brief Request for Review (w/attachment (6 pgs.)) and Notice of Appeal (2 pgs.)

Docket No.: POU920010149US1

140-A01-018

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) POU920010149US1	
I hereby certify that this correspondence facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.		Application Number 10/042,639	Filed 01/08/2002
on <u>3/30/06</u>		First Named Inventor Christopher R. Vincent	
Signature <u>[Signature]</u>		Art Unit 2132	
Typed or printed name <u>Jon Gibbons</u>		Examiner Kambiz Zand	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the		 Signature Jon A. Gibbons Typed or printed name	
<input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		(561) 989-9811 Telephone number	
<input checked="" type="checkbox"/> attorney or agent of record. 37,333 Registration number _____		March 30, 2006 Date	
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MAR 30 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/042,639 Confirmation No. 4287
Applicant : Christopher R. Vincent
Filed : January 8, 2002
TC/A.U. : 2132
Examiner : Kambiz Zand
Docket No. : POU920010149US1
Customer No. : 23334

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

The following remarks are submitted with the Applicant's notice of appeal. The combination of references cited by the Examiner does not describe, teach, nor suggest the presently claimed invention cited.

The present invention provides a system and method for allowing access to data or processing on a remote computer. Data stored on the remote computers is often private or unavailable to the general public. In order to control access to that data, a user authentication system must be implemented. Various user authentication systems exist in the prior art which are based on the identity of a user's account or a computer requesting the information. Unlike prior art systems, the present invention maintains privacy of data by separating the authentication to data from the providing of the data.

To overcome the problems in the prior art, the present invention, as recited for the claims, transmits, by a central computer, a partial response to the client computer. The partial response comprises at least a nonce value and a representation of information to be displayed on the client computer. The nonce value is digitally signed by the central computer and is used to authorize a

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limited number of direct accesses to data on a remote computer and without using the central computer.

McGarvey, Denning, and Lincoln Do Not Teach The Presently Claimed Invention

McGarvey teaches issuing a nonce that is common to all remote computers from a mid-server to a client computer. The client computer then digitally signs the common nonce and sends the digitally signed common nonce back to the mid-server. The mid-server then uses this nonce to access the remote computes on behalf of the client computer. The presently claimed invention on the other hand completely eliminates the need for a client to receive a nonce from a mid-server, digitally sign the nonce, and send the digitally signed nonce back to the mid-server for accessing the remote computer on the client's behalf.

With respect to independent claims 1, 14, 17, 19, and 25, the original prosecuting Examiner states on page 3 of the Final Office Action that the claim limitation of "accepting a request for data from client computer" is met by the pre-nonce request (FIG. 1A) of McGarvey. The pre-nonce request of McGarvey is transmitted from the middle-tier server 14 to the server 20, which contains data to be accessed. Therefore, the Examiner is incorrectly implying that the server 20 (i.e., the remote computer) receiving a pre-nonce request from the middle tier server 14 is the same as the central computer of the present invention accepting a request from a client computer as recited for claims 1 and 19. The central computer of the presently claimed invention receives a request for data, not a pre-nonce request. With respect to claim 14, claim 14 recites "a request receiver for accepting a request... wherein the request contains a nonce value, wherein the nonce value is digitally signed with a digital signature by a central computer." The Examiner improperly ignored the claim element of "wherein the request contains a nonce value, wherein the nonce value is digitally signed with a digital signature by a central computer." This is nowhere taught or suggest by McGarvey.

The Examiner improperly rejects claim 14 under the same rationale as claim 1 even though each claim includes different claim elements. For example, claim 1 is from the perspective of a central computer and claim 14 is from the perspective of the remote computer with the data requested by the client computer. The "accepting" in claim 1 is occurring at the central computer and the "accepting" in claim 14 is occurring at the remote computer. The request

accepted by the remote computer, unlike the request accepted by the central computer, includes a digitally signed nonce. The pre-nonce request of McGarvey does not include a nonce value and clearly does not include a digital signature as recited for claim 14. See McGarvey at paragraph 34.

With respect to claim 17 and 25, the Examiner rejected claims 17 and 25 under the same rationale as claim 1. However, these claims do not include the claim element "accepting a request for data from a client computer." In fact claims 17 and 25 include a claim element directed towards "...a partial response from a first computer, wherein the partial response comprises at least a nonce value, a specification of a remote computer, and a representation of information to be displayed on a client computer accepting the partial response, wherein the nonce value is digitally signed with a digital signature by the first computer." The Applicant would like to point out from a given central computer that a response is different than a request. Therefore, McGarvey must be analyzed carefully when applying it to the perspective of claims 1 on one hand and claims 17 and 25 on the other hand. Furthermore, nowhere does McGarvey teach, anticipate, or suggest a partial response including "at least a nonce value, a specification of a remote computer, and a representation of information to be displayed on a client computer accepting the partial response."

The original prosecuting Examiner further asserted that McGarvey teaches "transmitting from a central computer a partial response...wherein the partial response comprises at least (Sic) a nonce value." However, the only support given by the Examiner on page 3 of the Final Office Action is that McGarvey sends a nonce "from the remote computer to the middle-tier server...the server 14 in Fig. 1 acts as a client and the remote computer (10) meets the server recited in the instant claims." For this comparison to be true, McGarvey would have to teach or suggest the client acting as the central computer in the present invention, needs to not only digitally sign the nonce, but also transmit a partial response to the middle-tier server that includes the digitally signed nonce and "a representation of information to be displayed on the client computer." McGarvey is completely silent on such a teaching or suggestion.

The original prosecuting Examiner gave no weight to the claim element of "transmitting...a partial response compris[ing] at least a...representation of information to be displayed on the client computer." Nowhere does McGarvey teach this claim element. In fact, using the

Examiner's comparison of the client computer in McGarvey acting as the central computer of the presently claimed invention, the middle-tier server would receive a partial response with a digitally received nonce and information that is to be displayed on the middle-tier server. However, no information is taught by McGarvey to be displayed on the middle-tier server. If any information were to be displayed in McGarvey, this information would be displayed on the client computer 10.

Furthermore, the Examiner rejects claims 14, 15, and 25 under the above rationale even though claim 14 does not recite "transmitting" and claims 17 and 25 are not "transmitting from a central computer...to the client computer" but are "transmitting ...to the remote computer." Moreover, Applicant would like to point out that claims 9, 17, and 25 further recite that the partial response includes "a specification of a remote computer", which was given no weight by the original prosecuting Examiner. Accordingly, the original prosecuting Examiner has failed to show a *prima facie* case of obviousness with respect to claims 9, 17, and as required under 35 U.S.C. § 103(a). Therefore, the rejection of claims 9, 17, and 25 under 35 U.S.C. § 103(a) was improper.

The original prosecuting Examiner correctly states on page 3 of the Final Office Action that McGarvey "does not teach direct access to data on (Sic) remote computer without using the central computer. However, the Examiner combines McGarvey with Denning to overcome the deficiencies of McGarvey not teaching direct access direct access to data on a remote computer without using the central computer. However, the Applicant respectfully suggests that the combination of McGarvey with Denning destroys the intent purpose and/or function of the invention disclosed in McGarvey. Here the intent, purpose, and function of McGarvey taken alone or in view of Denning is a system where a client computer digitally signs a nonce, transmits the signed nonce to a middle server, which then accesses a remote server on behalf of the client. Because Denning teaches that a client first requests a ticket from a Kerberos machine, then requests a server ticket from a TGS, and then the client sends a request to a remote computer for data access, this combination as suggested by the Examiner destroys the intent and purpose of McGarvey's intent of having a client computer use a middle-server to access requested data. The entire purpose of McGarvey is to have a middle-tier server impersonate the client. Denning destroys this intent by having the client access the remote computer. Therefore, the Examiner's case of *Prima Facie Obviousness* should be withdrawn.

Moreover, McGarvey does not teach the claimed invention is conceded in the Final Office Action. However, the Final Office Action alleges all that is missing from McGarvey is the "direct accesses to data on a remote computer, without using the central computer." Further there is no motivation to combine McGarvey and Denning since i.) combining them is insufficient to make the claimed invention and ii.) they themselves do not disclose any reasons for making such combination.

The McGarvey reference taken alone and/or in view of Denning and/or in view of Lincoln simply does not suggest, teach or disclose the patentably distinct claim elements of: "transmitting, by a central computer, a partial response to the client computer, wherein the partial response comprises at least a nonce value and a representation of information to be displayed on the client computer, and wherein the nonce value is digitally signed by the central computer ..."; and "accepting a request for a data item from a client computer, wherein the request contains a nonce value which has been digitally signed with a digital signature by a central computer" and "wherein the nonce value is ... used to authorize a limited number of direct accesses to data on a remote computer, without using the central computer."

In view of the foregoing, independent claims 1, 14, 17, 19, and 25 distinguish over McGarvey, Denning, and Lincoln because these references alone and/or in combination with each other do not teach, anticipate, or suggest the presently claimed invention. All the remaining claims i.e. 2-13, 15-16, 18, 20-24, and 26 depend respectively from independent claims 1, 14, 17, 19, and 25. Accordingly, the claims 1-26 of the present invention distinguish over McGarvey alone and/or in combination with Denning and/or in combination with Lincoln for the reasons shown above. The Applicant respectfully request that the claims 1-26 of the present invention be allowed or in the alternative reopen prosecution on the merits citing art teaching the presently claimed invention.

Respectfully submitted,

Date: March 30, 2006

By: _____
Jon Gibbons, Reg. No. 37,333
Attorney for Applicant